



Roswell Planning & Zoning Commission Minutes

Tuesday, January 26, 2016 - 6:00 PM
Bassett Auditorium, Roswell Museum and Art Center
100 West 11th Street

Commission Chair: Ralph Brown

Vice Chair: Riley Armstrong

Secretary: Eddie Carrillo

Commission Members: Shirley Childress,
Toby Gross, Bruce Gwartney, David Storey

Planning Staff: Merideth Hildreth, AICP

William Morris, AICP, CZO

Louis Najar, PE

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Brown with the following members present:

B. Roll-Call

Ralph Brown (Chair) **PRESENT**

Riley Armstrong (Vice Chair) **PRESENT**

Eddie Carrillo (Secretary) **PRESENT**

Toby Gross **PRESENT**

Shirley Childress **PRESENT**

Bruce Gwartney **PRESENT**

David Storey **PRESENT**

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator;
William Morris, AICP, CZO, Planning Manager; and Louis Najar, Director of
Planning and Engineering

C. Approval of the Agenda

Chair Brown requested adding “Swear in Audience” in agendas.

Motion to Approve the Agenda by Riley Armstrong

Second by Bruce Gwartney

The motion passed 7 to 0

D. Minutes: Consider approval of the December 15, 2015 minutes

**Motion to Approve the December 15, 2015 Minutes by David Storey
Second by Bruce Gwartney
The motion passed 7- 0**

E. Swearing In: Chair Brown swore in staff and members of the audience.

F. Other Business:

Zero Zoning Cases were listed on the agenda or presented.

1. Presentation of staff report comparing mobile vendor ordinances and discussion

Planning Manager Morris introduced the topic that the Planning & Zoning Commission had requested staff investigate Mobile Vendor Ordinances adopted by surrounding communities. Staff presented a comparison of ordinances from five communities: Artesia, Carlsbad, Hobbs, Las Cruces, and Santa Fe. Mr. Morris mentioned Ruidoso does not allow mobile vendors except during special events. Mr. Morris further stated that safety for pedestrians and vehicular traffic is paramount when staff reviews an applicant's location. Staff is seeking direction from the Commission. Commissioners discussed differences in requirements for permitting and site requirements for site built businesses and mobile vendors. Mobile vendors should not be able to set up camp but should have to hook up to vehicle and pull away.

Mr. Najar asked the Commissioners if they wanted staff to tackle creation of new ordinance.

Commissioner Armstrong suggested that the staff report talking points seemed somewhat restrictive. What does it mean to indicate traffic circulation? Mobile vendors are mobile. Permission from the property owner is key and a permit from the City. Mr. Najar said staff wants to make sure vendor placement on the site is thought out, where the driveway entrances are, what parking is designated. Mr. Najar made a point that there have been complaints such as from the Little League that have concessions to make money to support the league and vendors show up. There is nothing in writing.

Commissioner Carrillo mentioned an event in Capitan where a vendor propane tank exploded. Todd Alexander with Chef Toddzilla's Mobile Cuisine spoke and said the statistics on food trucks exploding is low. (Susanna Gonzales said she knew that vendor in Capitan and the tank was improperly filled. At the Fair in Roswell, the Fire Department checks propane tanks and won't allow vendors to work if tanks are not properly working.) Mr. Alexander gets permission from

property owners and often pays a fee to the property owner plus the license fee. Other issues include not going on some City property. Also, there are trucks that only come out at night. Food is sold out of trunks of cars, and who knows what equipment has been used to cook the food. Are they complying with the code? Mr. Alexander said they care about what they do and are doing it the right way.

Commissioner Armstrong asked what the feeling is to designate an area. Mr. Alexander said that would be awesome. Every major city has a court with food trucks. As a business owner that creates competition. Susanna Gonzales, owner of ChupaCabra Truck said that people sell menudo out of homes at the air center. The put signs up at night. Mr. Alexander said some people post on Facebook and sell cake out of the homes in unsanitary conditions. He said the Health Department checks every food truck at every event.

Commissioner Armstrong asked how many food vendors are in Roswell. Mr. Alexander thought nine, Mrs. Gonzales thought about fifteen. Mr. Alexander mentioned vendors from out of town pay an annual fee of \$35.00 whereas he pays \$240.00 annually.

Commissioner Gross said we should write an ordinance to protect both local mobile vendors and the City.

Larry Connolly at 2815 Encanto wondered if the National Food Truck Association might have a set of guidelines the City could review. The Restaurant Association has guidelines.

Commissioner Carrillo and Commissioners discussed requirements for obtaining permits for special events, that the event sites designate areas for vendors. There was also discussion on Code Enforcement issues. Code Enforcement needs a rule in order to enforce. Commissioner Storey said it comes down to safety: paved level surface, adequate ingress and egress and timeline of packing up and leaving each night. When applying health and safety issues, grandfathering does not apply.

Commissioner Childress asked if mobile vendors are required to obtain liability insurance. Kerry Moore with Chef Toddzilla's Mobile Cuisine said the City does not require food trucks to obtain liability insurance, some businesses do. City festivals require liability insurance. Major city's require propane tank inspections. We tried to get a propane tank inspection from the City's Fire Department.

Food Mobile Vendors are not defined in the City Code. Commissioner Gwartney suggested the National Food Truck Association can help cities develop ordinances. Mr. Morris said staff will look at code issues for the next meeting.

2. Discussion of home-based day cares

Mr. Morris introduced home-based day cares. Minor Home Occupation allows up to six children per day and Major Home Occupation allows up to twelve per day with approval from Planning and Zoning Commission. Considerations are traffic flow – getting in and out of vehicles safely on neighborhood roads; neighborhood character; lot size. Commission agreed to keep cap at twelve per day for home based day cares. If over twelve, the daycare should be in a business area. Leave Childcare Centers in C1, C2, and C4.

3. Establish 2016 Planning & Zoning Commission Calendar

Calendar presented by staff accepted as the meeting schedule for 2016.

G. Public Comments

No further public comments

I. Adjourn

The meeting adjourned at 7:13 p.m.